

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00011-FDW

LAZURUS WRIGHT,)
)
Plaintiff,)
)
v.)
)
DAVID MITCHELL;)
KEN BEAVER; FNU PARKER)
FNU LAMBERT; FNU YARBOROUGH;)
GEORGE SOLOMON; C. MORRISON,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on a status review of this case which Plaintiff initiated by filing a *pro se* complaint pursuant to 42 U.S.C. § 1983, while he was a prisoner of the State of North Carolina.

In his complaint, Plaintiff contends that on May 15, 2014, while housed at Lanesboro Correctional Institution (“CI”), one or more of the defendants entered his cell and then proceeded to subject him to excessive force. Plaintiff alleges, among other things, that certain defendant officers led members of the PERT security detail to his cell and failed to intervene as Plaintiff was attacked. Plaintiff contends that he suffered serious physical injury and that he was denied medical attention.

After examining the complaint, the Court noted from the website of the North Carolina Department of Public Safety that Plaintiff was released from State custody on March 27, 2015. However, Plaintiff failed to notify the Clerk’s Office of his new mailing address after his release and the Court entered an order requiring Plaintiff to provide an update on his present address. In the order, Plaintiff was notified that litigants have a general obligation to prosecute their cases

which includes complying with Court orders in a timely manner, which in this case, meant notifying the Clerk of his new address. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988); see also FED. R. CIV. P. 41(b). Plaintiff was also warned that failure to provide an updated mailing address within 14 days from entry of the order would result in dismissal of this civil action and without further notice. Plaintiff had up to and including August 26, 2015, in order to comply with the order, however he has failed to do so or to seek an extension of time in which to comply.

Based on the foregoing, Plaintiff's complaint will be dismissed for failure to prosecute.

IT IS, THEREFORE, ORDERED that Plaintiff's complaint is **DISMISSED**.

The Clerk is respectfully directed to close this civil case.

IT IS SO ORDERED.

Signed: September 7, 2015

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

